

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

**JAMON HESTAND,
Petitioner,**

v.

**RICK THALER, Director, TDCJ-CID¹
Respondent.**

CAUSE NO. 2:12cv88

MEMORANDUM OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at TDCJ-CIID's Connally Unit in Kenedy, Texas (D.E. 1). Petitioner challenges a 2011 disciplinary conviction at the Connally Unit for threatening a staff member (*Id.*). In 2005, he was sentenced by the 158th Judicial District Court of Denton County Texas, to serve twenty years in the custody of the Texas Department of Criminal Justice (*Id.*).

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959, 961 (5th Cir. 2000). Petitioner's place of incarceration is in Karnes County, located in the San Antonio Division of the Western District of Texas, 28 U.S.C. § 124(d)(4), and he was convicted by a court located in the Sherman Division of the Eastern District of Texas. 28 U.S.C. § 124(c)(3). This court does not have jurisdiction to hear and decide petitioner's claims. 28 U.S.C. § 2241(d); Wadsworth, 235 F.3d at 961.

¹Rick Thaler is the Director of the Texas Department of Criminal Justice, Correctional Institutions Division, and therefore is the proper respondent. Rule 2(a), Rules Governing Section 2254 Cases. The Clerk shall substitute Rick Thaler as the proper respondent.

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because the disciplinary conviction occurred in Karnes County, it is more convenient for this action to be handled in the San Antonio Division of the Western District of Texas. The records of his disciplinary conviction and the witnesses to it are all located in the San Antonio Division of the Western District of Texas.

Accordingly, it is ordered that the Clerk of the Court **TRANSFER** this action to the United States District Court for the Western District of Texas, San Antonio Division.

ORDERED this 23rd day of March, 2012.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE